

~~ADMINISTRATIVE--INTERNAL USE ONLY~~

26 June 1973

MEMORANDUM FOR: Associate General Counsel

SUBJECT: Comments Regarding Proposal for ICRC
Information Memos and the Draft ICRC
Brochure

1. I have no problem with the concept of an ICRC information memo. Some vehicle is needed to inform agencies not represented on the ICRC of decisions, interpretation\$ etc., taken by that body, and an information memo would seem to fill this void. The information memo approach would be preferable to sending other agencies information copies of the minutes, in my judgment.

2. With regard to the brochure that the ICRC proposes to distribute, I have a few reservations. First of all, the explanation of the fee system--references appear on pp. 2, 3, and 7--is somewhat inadequate. Other than the charges for reproducing documents, the brochure does not specify what legitimate fees may be charged to the requester. I have read 31 U. S. C. 483a (cited on p. 3) and it authorizes the recovery of all costs incurred. The ICRC, on the other hand, has ruled that charges should be limited to the costs associated with obtaining a copy of the document and reproducing it. Government practice is evidently not uniform. The Department of State, I am advised, passes all charges on to the requester, including the cost of actually reviewing the document to determine whether declassification is warranted. The National Archives and Records Service, on the other hand, charges only for reproduction. Members of the public are understandably confused and sometimes irritated by what must seem to them to be an arbitrary and capricious imposition of fees.

3. In the section on the ICRC (pp. 6-7) there is no suggestion that the acceptance of appeals is discretionary; yet, according to the minutes of the 13 June ICRC meeting, this will probably be the case

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except for appeals involving denials by the Archivist of the United States, or, in the case of 30-year-old documents, by department heads. Should not this information be incorporated into the brochure?

4. On p. 2, under the heading REQUESTS FOR DECLASSIFICATION REVIEW, the brochure states that "A request must be for specific documents rather than all documents on a given subject." This rather inflexible statement is, of course, somewhat modified by the paragraph which follows it, but I question whether it should stand as is. I would prefer something along the lines of "A request must be as specific as possible," or even "A request must be for specific documents." As you no doubt are aware, the Agency has accepted requests phrased in terms of a given event or operation.

for
[Redacted]
Special Assistant for Information Control

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